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ABSTRACT

Based on a conference held in November 1982, this document attempts to distill and include those thoughts, arguments, and data judged to be most helpful in formulating a plan for improving and expanding voluntary interdistrict school integration in New York State. The first 3 sections describe trends over 30 years in the amount of segregation, efforts to remedy segregation, and the ramifications of segregation. Section 4 considers existing models of interdistrict school desegregation: city/county federated districts, forced interdistrict transfers, and voluntary interdistrict transfers. The authors conclude that voluntary interdistrict transfer plans appear to be the most practical in New York State. Experiences from such programs in Boston, Hartford, Milwaukee, Rochester, and St. Louis are summarized and suggest that state-level legislation that fosters incentives for voluntary interdistrict programs is a major condition for their success. Finally, the general conditions for achieving voluntary interdistrict school desegregation are discussed. The appendixes contain names and addresses of the steering committee and participants, the conference program, provisions of a Wisconsin school desegregation law, and a model integration incentive act. (MLF)

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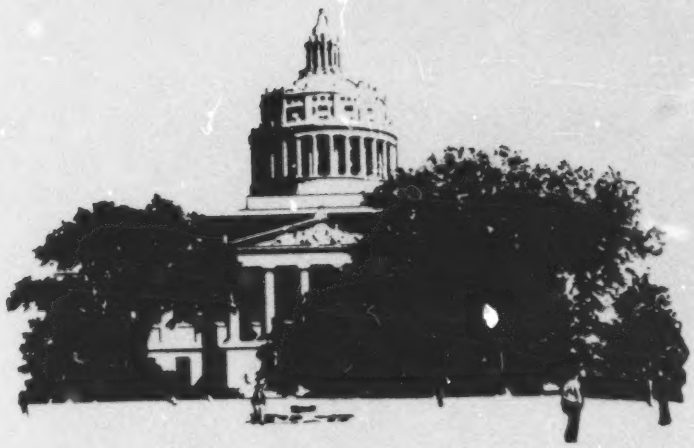

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TOWARD INCREASED VOLUNTARY INTERDISTRICT INTEGRATION IN NEW YORK STATE

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A report based, in part, on a conference sponsored by Project Urban-Suburban Interdistrict Transfer Program and funded by the Marie C. and Joseph C. Wilson Foundation.

January, 1983

INTRODUCTION AND OVERVIEW

> "Man is the only animal that laughs and weeps; for he is the only animal that is struck with the difference between what things are and what they ought to be."
> William Hazlitt

This document represents one in a series of efforts to close a large and widening gap between what is and what ought to be - between racially and economically segregated public schooling and racially and economically integrated schooling in New York State. It is the direct outgrowth of the Voluntary Interdistrict School Integration Conference held in Rochester, New York, on November 7-9, 1982. The Conference was sponsored by the Project Urban-Suburban Interdistrict Transfer Program with assistance from the Graduate School of Education and Human Development of the University of Rochester. Leadership for the conference was provided by a steering committee of concerned citizens (Appendix A). Financial support for the Conference was provided by the Marie C. and Joseph C. Wilson Foundation.

The Wilson family, which is synonymous with the growth and image of Xerox Corporation, continues to extend its leadership to the community. The late Joseph C. Wilson was one of the few industrial leaders to play an active role in the early efforts to desegregate the Rochester schools. As president of the Monroe County Legislature, Wilson's son, J. Richard Wilson, was one of the few political leaders to listen sympathetically to plans to reduce minority group isolation in Monroe County Schools. This grant from the Wilson Foundation furthers the Wilson family's ideals. The conference, however, was not designed as an end in itself, but:

"To develop a specific plan for improving and expanding voluntary interdistrict integration in New York State."

This objective guided the development of the content of the Conference program as well a the list of invited participants. The major topics of the Conference included: reaffirmation that school integration is worth the struggle; successes and failures of integration both in New York State and elsewhere; case analyses of individual voluntary inter-district desegregation programs; major positive and negative forces in achieving school integration; and comparative perspectives from administrators in the State Education Department, city and suburban school districts, and from school board members.

The presenters and audience were composed of some of the most competent and dedicated advocates for voluntary interdistrict desegregation in New York State as well as the rest of the country. Their names and addresses as well as a copy of the program are included (Appendices B and C).

This report does not represent the deliberations of these people in the usual sense of a conference report. Proceedings are not reproduced verbatim, nor is the chronology of conference topics strictly adhered to. Instead, we have attempted to distill and include those thoughts, arguments, and data which we judged to be most helpful in formulating a plan for improving and expanding voluntary interdistrict integration in New York State. Additional material was included from other sources where deemed necessary. Where we have relied extensively on a single presentation or article, we have credited the speaker or author. Many of the thoughts represented in this report, however, have emanated from numerous sources.

The body of the report is divided into five sections. The first three describe trends over thirty years in the amount of segregation, efforts to remedy segregation, and the ramifications of segregation. One, "Racial Isolation in the Schools: 1980's Perspective" describes changes in the nature and degree of racial isolation in the schools nearly three decades after Brown v. Board of Education. Two, "Judicial Remedies for Racial Isolation in Public Schools" sketches the diminishing power of the heretofore most important force for school integration - the courts. Three, "Ramifications of Racial Separation" reconsiders the twin arguments for integration - cultural pluralism and equal educational opportunity - and buttresses these with a third argument - freedom of choice - which has heretofore been used to counter the first two arguments.

With the preceding three trends as foreground, we proceed to consideration of existing models of interdistrict school desegregation in Part Four: city/county federated districts, forced interdistrict transfers, and voluntary interdistrict transfers. Finally, the general conditions for achieving voluntary interdistrict school desegregation are discussed in Part Five. The eight conditions are then discussed without specific reference to circumstances in New York State.

We conclude with a four-step plan. Copies of this report are being circulated to conference participants and other interested individuals. Our next step will be to elicit advice on the merits and feasibility of the four-step plan.

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One: Racial Isolation in the Schools: 1980's Perspective

The argument developed in this section is that, while racial isolation has been greatly reduced in schools in other parts of the United States, schools in the Northeast, and New York State in particular, are among the most segregated.

Racial segregation of students declined significantly in the United States between 1968 and 1980.[1] The most substantial changes, however, were limited to the regions that had been segregated by law before 1954, i.e., the 11 states of the South and the 6 border states.

The continuing problem of racial segregation of schools is basically centered in the older industrial states and in large cities that have experienced major racial change. The Northeast is the most segregated region and it has become more racially isolated during the seventies, because black students there are concentrated in predominantly nonwhite school districts that have never been ordered to implement a major desegregation plan.

Intense racial segregation is now focused in five areas of the United States. The five areas are:

.Pennsylvania-New Jersey-New York-Connecticut

.Illinois-Missouri-Indiana-Michigan

.Washington, D.C.-Maryland

.Alabama-Mississippi-Louisiana-Texas

.California

In fourteen states and the District of Columbia, at least 30 percent of black students are in schools that have 90-100 percent minority students.

New York was the second most segregated state in the United States for black students in 1980 (56 percent), behind Illinois (68 percent) and just ahead of Michigan (51 percent), New Jersey (50 percent), and Pennsylvania (49 percent). The 1980-81 school year found almost half of the black students in the Northeast in 90-100 percent minority schools, while fewer than one quarter of the black students in the South were in such schools.

The data on Hispanic segregation trends tell a different story, except that it is equally bleak for New York State. Each region of the country has become more segregated for Hispanics as their numbers have grown rapidly in American society. During the 1970-80 decade Hispanic children grew as a proportion of all public school children from one-twentieth to about one-twelfth. Hispanic children are now more likely than black children to be in predominantly minority schools. Hispanic children in the West and Northeast were far more likely to be in predominantly minority schools in 1980 than black students in the South.

What happens to Hispanics will have a larger impact on the West than on any other region, because it has 44 percent of the nation's Latino students, yet only 19 percent of all students. Outside the West, large Hispanic populations are found in Texas and several large metropolitan areas such as New York, Miami, and Chicago. Hispanics are concentrated in a smaller number of states than blacks. The problems of segregation of Hispanic children are most severe in four states, which have large numbers of Latino children in schools that are 90-100 percent minority. New York State led the list with 57 percent of its Hispanic students in

this category, followed by Texas (40 percent), New Jersey (35 percent), and Illinois (32 percent).

Two: Judicial Remedies for Racial Isolation in Public Schools[2]

Chief among the causes of this problem is the absence of circumstances in the Northeast which fostered judicial (court ordered) remedies elsewhere in the U.S. The older, more fragmented school governance structures in Northeastern states stand in sharp contrast to larger, metropolitan school districts serving SMSA's in other parts of the country.

In Brown v. Board of Education (1954) the Supreme Court ruled that State and local laws compelling or authorizing black students to be educated separately from white students were Unconstitutional. The Court found that such laws caused a denial of the "equal protection of the laws" demanded by the 14th Amendment. Until the early 1970's all decisions after Brown had involved schools once segregated by explicit state laws. Over time, noncomplying school districts were required to do more than discontinue using discriminatory student and faculty assignment practices. They were also required to eliminate the present effects of past discriminatory actions.

Although some Northern and Western states had once had statutes or Constitutional provisions requiring school segregation, they had long ago removed such laws from their books. Their schools, however, were frequently just as segregated as Southern schools.

Not until its 1973 decision in Keyes v. School District No. 1 did the Court focus on the major issue of nonstatutory State involvement in the creation or maintenance of school segregation. In Keyes, the Court ruled

that Denver school officials violated the 14th Amendment on the basis of race and national origin, even though no statute required segregated schools. In essence, the Court said, "Prove that there was a violation somewhere in a school district on a significant scale, and you can assume that all the segregation in that school district was Unconstitutional and must be remedied."

That decision has remained the law for Northern school cases ever since. It was tested and reaffirmed in 1979 in two cases from Ohio - Dayton and Columbus. In fact, almost every single Northern school district that has gone to trial has been found to have a significant violation and, therefore, has been ordered to implement a city-wide desegregation remedy.

The most important case for city/suburban desegregation was the 1974 case of Milliken v. Bradley involving metropolitan Detroit. It was apparent to the members of the Supreme Court in Milliken that state and local officials had operated Detroit's schools in violation of the Constitution. The issue before the Court was how the principles developed in the Court's long line of cases dealing with school desegregation remedies would be applied in the context of deliberate school segregation within a predominantly black central city surrounded by a ring of white suburban school districts.

By 1973 Detroit's school population was almost 70 percent black - 30 percent white. The racial composition of the metropolitan student population was more than reversed, 81 percent white - 19 percent black. In such a factual finding, the lower courts concluded that desegregation

efforts limited to Detroit could not desegregate many of Detroit's schools. Numerous schools would remain all black or all white. Furthermore, in the context of a predominantly white metropolitan area, even with intradistrict desegregation, the 70 percent black Detroit school system would remain, as a whole, racially identifiable. Concluding that a single district plan would not meet the Constitutional requirements of obtaining "the greatest possible degree of actual desegregation," the lower courts agreed that a metropolitan remedy was needed.

The Supreme Court, however, raised high standards for obtaining a city-suburban mandatory desegregation plan. They declared that plaintiffs had to go far beyond proving that it is essential to involve the suburbs for any sensible desegregation plan. They had to prove, in addition, that the suburbs, or the state government, or some responsible legal body had a history of Unconstitutional action, thereby justifying involvement of the suburban districts in a merger or exchange with the central city.

In particular, the majority of the Milliken Court indicated that an interdistrict remedy may be justified if:

- "there has been a constitutional violation within one district that produces a significant segregative effect in another district"; or
- "district lines have been deliberately drawn on the basis of race"; or State officials "contributed to the separation of the races by drawing or redrawing school district lines"; or
- State officials "had contributed to the separation of the races... by purposeful racially discriminatory use of state housing or zoning laws."[3]

Since Milliken, several judicial developments have been favorable to those seeking an interdistrict remedy, and we will note some of these later.

However, while it is still possible to pursue metropolitan desegregation through the courts, Milliken has made such a strategy more difficult. Pursuit of a case in one part of the country (or even a state) will not unlock the door to a metropolitan school remedy throughout the country, since all involve circumstances, such as manipulation of political boundaries, that are somewhat special and idiosyncratic.

Given the fact that New York is one of the most segregated states in the nation, it is conceivable that judicial remedies could be pursued here. Each case would of necessity focus on a single metropolitan area and the findings on the case would not necessarily be applicable to cases in other metropolitan areas in New York State.

Three: Ramifications of Racial Separation

Racial isolation in schools hurts both students and the rest of society in at least three interrelated ways. First, children in socially separate schools grow up with an inherent handicap when they try to function in a multi-cultural adult world. Second, the handicapping condition of racial isolation is exacerbated by the unfortunate fact that variations in the resources for schooling are linked to race. Third, past arguments for equity which have sought equal resources across schools and districts have, unfortunately,produced homogeneity of content, robbing public school students and parents of schooling choices. Each of these three issues is discussed here.

The Handicap of Racial Isolation. Children in racially isolated schools are increasingly handicapped as they enter a society which is increasingly multi-cultural. Their handicap, while not physical, is no less debilitating. The world which our children will inherit will be much more culturally diverse than it is today. More important, "home" will be more culturally diverse than it is today. For example, in California "minority" children already constitute a majority of enrollments in grades K-2. In New York State, 30 percent of our school children are non-white and that percentage is climbing rapidly.

> "If we look at the demographies of our...(metropolitan areas), with their majority black and Hispanic populations, the problem of the twenty-first century is going to be how can we help to teach whites to achieve a reasonable level of comfort within predominantly black and Hispanic communities?"
>
> Benjamin Williams, Deputy Supt.
> Chicago Public Schools

All students will need to be educated to function as minorities. All students will need to develop skills of cross-cultural communication. If the current generation of educational leaders doesn't take steps to eliminate racial segregation, then subsequent generations will remain handicapped.

The nature of these handicapping conditions for black, white, and brown children is suggested not only by demographic trends, but by the generalizations we can glean from research on the effects on children of attending racially integrated schools. This research evidence, accumulated over the last twenty years, suggests that there are positive social and cognitive outcomes for both minority and non-minority children.[4] For one, a major review of research by Robert Crain and Rita Mahard looked at scores of studies conducted across the country. They found a high probability that

black students who began first grade in a desegregated setting perform substantially better during their school career. A large-scale study commissioned by the National Institute of Education was completed just last year. In that study Willis Hawley and his associates found the same thing. They found substantial evidence for positive effects of school desegregation for minority youngsters, and no evidence of damage to education of white children. In other words, it is one of those rare situations, as far as we can tell, where it is possible for one group to benefit without another group losing. It's possible for society to gain if it is done right, including doing it from the first grade on.

Research also shows that the largest possible effects come from desegregation of minority children in predominantly middle-class schools. In many of our metropolitan areas, most middle-class schools that are available are suburban schools. Crain suggests, even, that the positive effect of city/suburban desegregation may be twice as high as the positive effect of desegregation limited to a central city alone. Further, several studies have indicated that there are a number of school districts that have managed successfully to improve achievement levels of both minority and white children simultaneously during the desegregation process, when they implement educational reforms at the same time.

The research done on city/suburban exchanges generally shows: (1) strong support from participants in these programs, (2) strong family support for the opportunities that are opened up, and (3) positive learning outcomes for children. There are also indications from research showing possible long-term after-school effects. Specifically, minority students

that graduate from integrated schools are more likely to go to, and graduate from higher status colleges. They are more likely to want to live in residentially integrated neighborhoods. Their aspirations are more realistic, and are more likely to be fulfilled in their later life than those that are expressed by children who are in segregated schools. Not all of these findings are known "for sure," nor do they have an equal level of certainty. The direction of the research is quite supportive of desegregated education. Stated in the negative, children in racially isolated settings are less likely to have these advantages.

The Correlation of Racial Separation with Resource Disparities. The handicapping condition of racial isolation is exacerbated by the unfortunate fact that variations in the resources available for schooling are linked to race. Not only are the racial differences between cities and suburbs increasing, so are differences in ability to support education.

> "...the difference between cities and suburbs and their capacity to support education...is widening in many metropolitan areas...at a time when the capacity to support public education is shrinking."
>
> (Orfield)

In fact the problem extends beyond equity arguments to arguments for disproportionately more resources for city children. New York cities, like others in the Northeast, find themselves with large and growing proportions of minority children with extensive learning needs. Many pupils are functioning only at minimally basic levels. Yet attempts to remedy the financial inequities facing city districts have been largely unsuccessful in New York State, although notable progress in this regard has been made elsewhere, such as California. The National Center for Educational Statistics measures the disparity of per pupil expendi-

tures among school districts in each state. Expenditure disparities for school districts in each state were measured in 1969-70 and again in 1976-77. These measures were recently compared by NCES. While measurable progress has been achieved in some states, other states have significantly greater disparities. In seven states expenditure disparities decreased significantly over that period - California, Connecticut, Iowa, Maine, Oklahoma, Rhode Island, and Vermont. Yet during the same period the expenditure disparities among six other states increased significantly - Alaska, Delaware, Massachusetts, Minnesota, New York, and Tennessee.[5]

New York, then, can be characterized as a state having one of the most segregated systems of public schools in the country; as one of the few states where segregation is actually increasing; and as one of the few states where expenditure disparities among school districts are increasing. Metropolitan areas in New York are faced with these characteristics of their public schools at the very time business leaders in these areas are attempting to transform their industrial and commercial base from low-skill to high-skill fields. The ability of New York metropolitan areas to succeed economically is intimately associated with their ability to address city educational problems. It could be argued that no less than the long-run economic viability of New York State is at stake when confronting racial separation in its schools.

Equality vs. Choice in Public Education.[6] Traditionally, two arguments have been used in supporting racial desegregation: equality of educational opportunity and cultural pluralism. In particular past arguments have been based extensively on equity grounds. The equity argument, stated simply, is that society must provide equality of educational

opportunity for all children and that educational equality cannot exist if children attend racially identifiable schools. The second argument, cultural pluralism, hinges on the presumed benefits of racial integration. These two arguments - discussed in more detail immediately above - are reasonable and have been used extensively, but they are incomplete. There is a third argument which is often used to counter the equality and cultural pluralism arguments which integrationists have not addressed - freedom of choice. This argument presumes that parents (should) have a right to choose how to educate their children, including a right to choose not to put their children on a bus to attend a school which is racially integrated.

The argument for freedom of choice in schooling has spread and picked up advocates who are otherwise silent on desegregation issues. Milton Friedman's recent work, Free to Choose, is but one example of this argument. He roundly condemns American public schools for severely curtailing choice in schooling. Others, such as Peter Burger of the American Enterprise Institute and Nathan Glazer of Harvard, have formulated articulate arguments that liberty is, in fact, the key to the American dream and the American principle. Michael Novak has gone further to argue that equality is a false slogan which has no real place within the spirit of democratic capitalism.

That the equality and cultural pluralism arguments should find themselves pitted against the freedom of choice argument is both regrettable and unnecessary. In fact, it is (or should be) just from the freedom of choice point of view that we ought to be moving ahead with desegregation. Choice is an increasing factor of American life. In fact, Burger argues

that people having a great number of choices is the key characteristic of modernization. Choice today is a basic expectation of people.

Public education is running into problems precisely because it does not offer choice. Most public school students are assigned on the basis of residence, and most public schools are shaped by a conscious effort to standardize instruction, values, and school climate to broad, even national norms. This is sometimes described as the "universalizing" function of schooling, and public education is laden with the expectation that it will make "one people" of the rich diversity of our population.

Parents who have been encouraged to choose a religion, choose a "life-style", choose a self-understanding (choices incomprehensible to a traditional society) are told they cannot choose the location, time, content or values of the education of their children. More and more of these parents are resisting either by withdrawing from public schools or by fighting for the reassertion of traditional values through school prayer, "creation science", library censorship, or objections to sex education. Other parents feel their own values and goals for their children threatened by this attempt to change the direction and flavor of public schooling.

Educational leaders are caught in the middle. They are well aware of the mood of disenchantment with public schools, and the complexity of the reasons for this mood. Their response has been the heroic, if futile effort, to provide all things for all students in each school and classroom. Certainly we should assure that every student reaches appropriate levels of skill, but nothing in recent research or experience suggests that we know how to do this in a uniform manner, or indeed that we are

failing equally with all students. Is it possible that, in our concern to increase "time on task", we are prescribing for all students what is in fact useful and necessary for only some of them? Is it possible that, for others, the interactions and diversions which are now so frowned upon are, in fact, quite consistent with their learning style?

The commendable desire of public educators to satisfy all of the expectations laid upon them by a society which is not clear exactly what it wants from its schools has led us into an untenable position. By attempting to maintain a full range of services across all schools, the public schools are, by definition, unable to provide any service to a subset of pupils within a district which is specialized, i.e., not available generally. By having restricted student choice to within-district (really within-building) options, students often face choices which are both mediocre in quality and undifferentiated in type. This constitutes a handicapping condition for both minority and non-minority students. Thus, freedom or liberty or the greater availability of alternatives and choice in schooling rather than being in conflict with desegregation is consistent with and supportive to voluntary inter-district efforts.

Four: Existing Models of Interdistrict School Desegregation

We have argued that racial desegregation in New York State schools should be increased and that interdistrict methods offer the most likely means of achieving this. The issue remains, however, of determining which form of metropolitan desegregation is most suited for New York State: city/county federated districts; forced interdistrict transfer plans; or voluntary interdistrict transfer plans. Based on an examination of

instances of all three types, the third option appears to be best suited for New York State at this time.

City/County Federated School Districts. From its earliest history the Southern region of the U.S. unlike the rest of this country has had a strong county/parish political system. Many public services have long been administered on a county or parish basis. In numerous cases schools have been added to the county system at a later time. Florida city/county systems such as Jacksonville/Duval and Tampa/Hillsborough are examples as is Nashville/Davidson in Tennessee[7] (since 1962). Most of these "regional" efforts were in operation well before school desegregation was a major political issue. However, as we have seen, usually with a court mandate as in Tampa/Hillsborough in Florida or Charlotte/Mecklenburg in North Carolina, during the period from 1968-80 remarkable progress has been achieved in school desegregation in many of these federated districts. In fact, these enlarged school districts have been largely responsible for the fact that the South has by far the best desegregation record of any region of the country.

More recently some city/county consolidations have occurred in which desegregation of the public schools of the region was the major rationale for the action. The best example is probably Wilmington/New Castle County, Delaware. From all published reports this action which was mandated by the federal court has been highly successful in desegregating most of Northern Delaware. (Orfield's data indicated that only one per cent of the black pupils in the states "are in predominantly minority schools."[8])

As previously noted, however, it should not be assumed that the

courts have been consistently clear on metropolitan approaches. While the three-judge district court ruling in Evans v. Buchanan, or the "Delaware case", was affirmed by the Supreme Court without opinion, "the precise grounds of approval and the legal proposition for which the case stands remains obscure."[9]) There seem to be contradictions with Milliken.

Another example of a newly merged district is the Louisville/Jefferson County, Kentucky, situation. Here again, the legal situation is complex and contradictory, but consolidation and a measure of desegregation have been achieved.

We have already briefly examined the tangled history of litigation on metropolitan remedies to achieve school desegregation, but it must be noted in passing that every state in the nation has in place mechanisms for consolidating school districts. These procedures have been used successfully for many years to eliminate inefficiently small districts. It seems to us that they could be used in most cases, if the necessary desire were present, to achieve racial desegregation. But, our sense of the issue tells us that even in times of declining enrollments, there is virtually no support in New York State to merge districts, especially as a means of achieving integration.

Forced Interdistrict Transfers. Indianapolis/Marion County, Indiana, is the only existing situation in which the federal courts have ordered not a merger of racially imbalanced city and suburban school districts, but a transfer of minority children from the central city to the suburban school systems. Thus, the distinct school districts remain. The court involvement in this situation stretches back to the 1960's,

and may well be still unsettled. But, eight suburban districts are currently required to accept minority pupils from the city and at least a modest amount of interdistrict desegregation is occurring. (In December of 1982, the U.S. Supreme Court refused to excuse Indiana from paying for this interdistrict remedy.)

Similar litigation is in process in Benton Harbor, Michigan; St. Louis, Missouri; Kansas City, Missouri; Little Rock, Arkansas, and perhaps elsewhere. Nevertheless, given the legal history, especially Milliken I, and the contemporary mood of the country, mandatory interdistrict remedies seem highly problematic. Still, there is some precedent.

This model is not unlike forced intradistrict settlements. It places school improvement and choice again on the opposite side of the desegregation argument. We feel it is not the best possible approach.

Voluntary Interdistrict Transfers. Probably every central city school district in the United States and most suburban districts have accepted tuition paying students from neighboring districts. This practice, of course, predates Brown (1954), and it was usually accomplished without any specific interest in racial desegregation. Before W.W.II many central city school districts were regarded to be far and away the best public school systems in a region, and parents from outlying areas were often interested in sending their children to these fine schools.

There have also been many instances of sharing of education services among cities and suburbs that did not involve pupil transfers. Staff development, vocational and special education programs, data processing, and cooperative purchasing readily come to mind. Some of these activities were related positively to desegregation; most were not.

Since desegregation has received so much attention, this practice has continued and, frequently, city districts have made a special effort to attract majority children from the suburbs to specialty or magnet schools. In most cases, however, these efforts have resulted in a very modest number of interdistrict transfers.

There are, however, at least five more formal and slightly larger efforts of voluntary interdistrict transfers aimed specifically at reducing racial isolation. Participants from these five examples - Boston, Hartford, Rochester, Milwaukee, and St. Louis - were involved in the Rochester conference. Their reports will be summarized here in a bit more detail, because they meet all of the criteria of interest, i.e. these are instances of desegregation attempts that are voluntary as well as metropolitan in character.

Boston, Massachusetts. Boston, of course, has had bitter, even violent, struggles over school desegregation. But, the city has also had some peaceful and less publicized "successes." There are voluntary magnet programs that have been more successful in attracting suburban youngsters than most such efforts. There has also been the Metropolitan Council for Educational Opportunity (METCO) program. The METCO effort is a voluntary cooperative activity involving the city and approximately 40 of the surrounding suburbs. Nearly 3,300 children were transferred in the 1982-83 school year, and it is claimed that another 3,000 plus are on waiting lists.

METCO, Inc., is a private non-profit organization incorporated since 1966 under the laws of the Commonwealth of Massachusetts. The Massachusetts Department of Education administers the transfer program through METCO.

Although Carnegie Foundation, federal, and other sources of funds have been used, the state's administrative and financial support has always been instrumental to the success of the activity. Since 1974 with the passage of Chapter 636, an amendment to the Racial Imbalance Law, fiscal incentives have been regularly available. Charles L. Glenn, the Director of the Bureau of Equal Educational Opportunity in Massachusetts, claims his state over the years has made a greater financial effort to support school desegregation than any other, and the record seems to bear him out. (In fiscal year 1983, the state will spend $8,680,102 for METCO alone.)

The METCO staff, numbering twenty-three at the present, in addition to recruiting, placing and transporting students; gives leadership in providing guidance, counseling, special tutoring, curricular and instructional services to the participants including pupils, their families, and their teachers.

There are no extra costs (or financial losses) for either the sending or receiving school districts. Continual effort to minimize the negative effects of going to school some distance (the average transportation run is 25 miles) from home is undertaken. The METCO staff insist that they are not taking the most talented minority children from the city schools; this point is debated. There has been solid support from a number of school and other community leaders. All efforts to evaluate the program known to the writers have been generally positive.

Given the population of metropolitan Boston, the scope of the program is small and, thus, it doesn't significantly alter the racial

imbalance in schools of the region. Further, the effort is not continuing to grow because of financial constraints imposed by the state. Finally, by way of disadvantages, it is a one way effort meaning that minority families bear all the problems of going to school away from home.

Hartford, Connecticut. Project Concern in Hartford (and formerly in other cities of Connecticut as well) is similar in many ways to METCO. It, too, is a voluntary transfer program of minority children from the city to the suburbs. Concern was also officially begun in 1966. The program has similarly been judged to be successful especially in terms of the increased academic achievement of minority youngsters. It also has had effective leadership, and particularly strong support from major local employers.

But, there are important differences. Project Concern has always been administered by the city school district, and this has proven difficult. It is, after all, extremely awkward for a district to operate a program that begins with the premise that it can't adequately serve a portion of its clientele as well as they can be served elsewhere, especially if it doesn't claim it can and will serve others more effectively. Further, Connecticut has never given the support to this program that Massachusetts has given to METCO. While both programs have had to scramble for funding, Concern could never count on the state to the same degree. Money has come from a wide variety of federal, state, and local public sources, as well as private ones usually on an annual basis with grave uncertainties. In addition, the central cities are quite different with, for example, a far greater concentration of minority poor in

Hartford than in Boston (86 percent are minority pupils in the Hartford schools in 1982-83).

At its peak, Project Concern transferred 1800 children and had nearly 120 on the staff. Today, roughly 800 children are sent to the suburbs. The Hartford Board of Education has voted to phase out the program, but efforts are underway to save it through a regional consortium (Capital Region Educational Council). Needless to say, the future is highly problematic. However, it seems very clear that both former and present participants in the program are highly supportive, and they are organized to fight for the continuation of the program. Fund raising efforts and a wide range of political activities are a part of this effort. Private schools continue to be highly supportive.

Rochester, New York. The effort which is now called, Project Urban-Suburban Interdistrict Transfer Program (Project US) in Rochester/Monroe County, New York, is sort of a cross between METCO and Concern.

Project US began as part of a desegregation plan in the Rochester City School District in 1963, but it was administratively switched to the first suburban school district that had agreed to participate (West Irondequoit Central School District) in 1973. This was done because the city district was ineligible to receive E.S.A.A. funds which became the largest source of support for the program. US has also received support directly from the New York Governor's budget for transportation. Five other suburban school districts have voluntarily joined the program as well as Roman Catholic and other private schools of the region. In 1982-83, approximately 1,000 city children are being transferred to the

suburbs and roughly 150 suburban children are being transported in the opposite direction.

It has been 17 years since the first children were accepted by the West Irondequoit district, and nearly every one of those was marked by a struggle for funding. The program has been unsuccessful in attracting stable funding or acceptance by other suburban school districts. It has frequently gotten, at best, only lukewarm support from the educational leaders of the city. Suburban leaders have received enormous negative pressure when they tried to cooperate. It has been politically controversial to say the least. Through all of this, it seems fair to say that one exceptionally dedicated leader has kept the project going, Dr. Norman Gross. Gross retired in June of 1982, and the future of the project is uncertain. (Gross provided a list of 22 conditions for successful voluntary desegregation to which we will return.)

However, during these 17 years the project has been studied from nearly every angle by numerous researchers. All of the studies have shown positive results. The participants and their families are dedicated supporters. Many other persons in the community have also been supportive, especially the print media. A core of political leaders from the city, county, state, and federal governments have been loyal adherents. It has clearly been an effort from which much can be learned.

Milwaukee, Wisconsin. From 1967 until 1979, the schools of the city of Milwaukee were in various stages of court action because of racial segregation in its schools. The courts produced a desegregation order in 1976 (revised in 1979), and from 1976 until 1982 Milwaukee has gained the reputation of having the most effective compliance record in any court

ordered desegregation effort in the country. Today 85 percent of the 87,000 plus children in the city system attend desegregated (25 to 60 percent minority) schools.

(However, there are still 20 elementary schools that are virtually 100 percent minority. The families of pupils attending these schools are advised each year that they may transfer to a desegregated school if they wish. A significant amount of extra resources is spent on these racially isolated schools.)

The overall picture of intradistrict desegregation has been achieved by using a range of carefully monitored devices including an emphasis on specialty or magnet schools at all levels. The focus is clearly on voluntary means.

Simultaneously, there has been a history of developing interdistrict remedies. In the fall of 1982, approximately 1,100 city children voluntarily transferred to suburban schools and a little over 200 suburban youngsters from 13 school districts transferred to the city. Many more would transfer if seats in city specialty schools were available (Bennett). This interdistrict effort has been achieved primarily because of facilitating legislation and funding arrangements known as Chapter 220 which became law in April, 1976. Chapter 220 is described in Appendix D of this Report, but one feature not included there that should be noted is that if a suburban district is willing to accept enough students so that minority population exceeds 5 percent, it will receive an additional financial incentive. Three suburban districts have taken advantage of this opportunity.

The story of the passage of Chapter 220 is a fascinating one, and of great importance in any effort to replicate similar success in other states. Space won't permit details here, but two aspects seem crucial and they both involve leadership. First, the effort was led by a key Wisconsin legislator who served on the Joint Finance Committee of the legislature. The man apparently is a very effective politician who knows how to compromise and get things done. Second, the administration of the Milwaukee schools was solidly behind the 220 effort and worked diligently in shaping the bill and getting it passed. Dr. David Bennett is given much of the credit. (Bennett has supplied numerous suggestions, cautions, and warnings about achieving 220 type legislation in New York that will be summarized in the next major section of this Report.)

All of the evaluation reports based on the Milwaukee interdistrict plan we have seen are essentially positive, including one which documents that the students who are transferred are not necessarily the elite of the sending school.

St. Louis, Missouri. In August, 1981, the Federal District Court for the Eastern District of Missouri approved a plan for voluntary school desegregation in St. Louis City and County. It had previously ordered that such a plan be developed. Thus, the Coordinating Committee for an Educational Plan for Voluntary, Cooperative Desegregation became a legal reality.

In its first school year, "The Plan," as it is called, has recruited and placed approximately 900 pupils from the city schools into county districts and around 325 pupils from St. Louis County have been transferred to city schools. It is also possible to transfer among the

districts of the suburbs. In addition to transfers, the Coordinating Committee is responsible for the operation of large scale part-time intergroup relation experiences for pupils, staff exchanges and development, counseling efforts, curriculum development, community information, magnet school development, and parent education programs. The entire program is supported in full by the State of Missouri - this includes 100 percent of transportation costs. Fifteen school districts are cooperating at this time.[10]

Personnel from the Plan have written highly positive reports for the U.S. District Court. No independent evaluations of the program are known to the writers. The St. Louis situation is still clouded by court action, but it seems worthy of serious study.

We believe, after evaluating existing models of metropolitan integration, that voluntary transfers are the most feasible for New York State. But, before examining the essential conditions and those additional criteria that may be helpful in achieving voluntary interdistrict desegregation, it seems useful to state briefly the potential disadvantages of using voluntary metropolitan remedies.

First, and of greatest significance, is the possibility that small, or weak, voluntary efforts may become institutional tokenism. That is, minor and optional efforts may preclude major and, probably, mandatory activity. Doing a little could become a legal excuse and a moral "cop-out" for failure to obey the law. Further, interdistrict efforts might offer a faulty justification for avoiding needed intradistrict remedies.

In addition, small voluntary plans could lead to such negative

situations as the following: certain schools, probably those in our central cities, could become dumping grounds for the unmotivated, troubled, and academically weakest students; private schools could benefit at the expense of public schools; parents could have a reduced impact on the schooling of their children; extra class activities could become available only to those children who live nearby; the strengths of diversity and pluralism could be overcome in a mass of conformity and homogeneity; one sub-group of the society could be made to bear the brunt of all the negative aspects of transfer; resources and energy focused on desegregation could weaken the continually necessary effort to improve the quality of all schools; resegregation could occur if narrow tracking and other forms of discrimination and prejudice are permitted, and so on.

Obviously, these conditions must not be allowed to occur. Adhering to the conditions stated below will, we believe, minimize the possibility of failure.

Five: Conditions for Achieving Voluntary Interdistrict School Desegregation.

On the basis of the accumulated experience gained in voluntary programs and presented at the Conference, certain conditions appear to be essential for achieving voluntary desegregation. For a plan to be designed and implemented in New York, these essential conditions must, we believe, be met. Secondary considerations are also presented here because we think that at least some of them are likely to have applicability in New York State.

Essential Conditions[11]

1. Adequate funding available on a sustained basis. It must be specified to all potential participants that as long as the program is meeting its objectives - these should obviously be set out in detail - it will receive adequate funding. Further, it should be firmly established that participating school districts and participating individuals will not have to bear additional financial costs due to their participation. The record has documented that uncertainties regarding funding and the resultant annual struggle to obtain support are highly deleterious. Programs cannot grow and prosper under these conditions. Without a period of at least three to five years of assured funding, interdistrict efforts cannot even be given a fair evaluation.

2. Facilitating legislation. Since state governments are ultimately responsible for schooling in our society, and since existing state laws have been created and implemented without voluntary transfers in mind, it is absolutely necessary to create or amend legislation to facilitate voluntary interdistrict transfers for the purpose of desegregating schools. The new or amended legislation should be based on solid demographic and social science research evidence. Further, it must provide the means for achieving the first condition - adequate funding.

The 220 legislation from Wisconsin provides a valuable model of such legislation (see Appendix D). The older Chapter 636 law from Massachusetts also offers some useful guidelines and, of course, there is a long period of experience in this state to draw upon. A few other states (Ohio,

Illinois, and California) have some legislative history in this regard which provides some worthwhile lessons. Carol Abrams, John Coons, and Stephen Sugarman have produced, "The Model Integration Act," (see Appendix E) for California. This proposed legislation has valuable implications for other states as well.

We believe that achieving a combination of 1 and 2 above is the necessary first step in developing a plan for voluntary interdistrict school desegregation in New York State. The State Education Department has already recommended such legislation, and it has been introduced into the Legislature, but its future is uncertain. We fully intend to push it.

3. Educational leadership. Key educational administrators from the schools of the region must be firm in their support of the interdistrict plan and, further, they must provide effective leadership in behalf of the plan within their communities. This is not to say that a desegregation effort will fail unless there is universal support from area school officials, but a core of solid, action-oriented support is essential. Of course, leadership from other persons in the community is desirable, but without strong support from a cadre of public school leaders the plan seems doomed. This proposition has proven to be accurate in every situation known to us.

Obviously, these educational leaders must involve participants and other community members in policy making. Broadly representative advisory committees/councils should exist as well. Participants should be involved, but wide spread community involvement cannot replace the vital need for leadership from educators.

4. Intradistrict desegregation efforts simultaneously occurring. While interdistrict planning and activities are underway, participating districts should not be excused from internal efforts to desegregate. This is to say, voluntary metropolitan efforts are not sufficient to solve the problems of racial isolation and they must not become a rationalization for failure to move on other activities. Further, interdistrict and intradistrict plans must be coordinated. Some New York school districts have made valiant efforts - Buffalo comes to mind - but much remains to be done.

5. Vigorous educational effort at the regional level. Once the plan is developed and meets the tests of the conditions above, a sound community education effort must be conducted at the local level. The media must be involved as well as activities directly controlled by the school districts - direct mailings, meetings, workshops, institutes, and so on. Potential participants must be made to perceive the benefits. Myths must be destroyed, such as the claim that academic achievement for majority pupils is necessarily reduced or minority sub-cultures are automatically homogenized in a metro desegregation effort.

6. Specific educational benefits promoted as well as general advantages of a diverse student body. The promotion of equity, diversity, pluralism, intergroup understanding - these are necessary conditions of the program, but not sufficient ones. There must be specific educational advantages provided which capitalize both on the strengths of the various cooperating communities, and the potentialities of cooperation. That is, appealing alternatives must be available that would not otherwise be readily

feasible. It is inconceivable that this condition would create impossible, or even major difficulties. Surely every metropolitan community can gain valuable additional educational resources when the districts think, plan, and execute educational opportunities cooperatively.

7. Voluntary participation. While, unfortunately, it may be necessary to force some institutions to participate, pupils and their families should avail themselves of the opportunity on a voluntary basis only. Forcing individuals to participate is not politically or morally sound.

8. Sizable numbers who want to transfer. It probably goes without saying that there must be a critical mass who are sufficiently dissatisfied with the educational alternatives available to them that they will be willing to move to another environment but, of course, this is a necessary condition. As on point 7 above, this criterion seems unlikely to cause any significant difficulties. Or, put another way, if the essential conditions above are satisfied, and if as many of the desirable conditions below are achieved, it seems clear that sizable numbers will want to participate.

Helpful and/or Desirable Conditions

Here without comment are some other criteria, the presence of which would be highly desirable in any region in New York, or any other state for that matter. They should be achieved whenever possible.

1. Extra financial and other incentives should be available for schools which participate at higher than token levels.

2. Intergroup relations experiences and training for participants - pupils, parents, and teachers - should be instituted.

3. Special curricular and instructional development activities aimed at better serving the culturally diverse ought to be undertaken.

4. Positive encouragement from the federal government should be forthcoming.

5. Every effort should be made to avoid the impression of creating elite receiving schools at the expense of sending schools. Every school should have special strengths, and these should be emphasized.

6. Any special burdens created by the program should be borne equally by all cultural and economic groups, e.g., long bus rides should not be exclusively endured by minority pupils.

7. Coalitions of advocates of voluntary interdistrict desegregation from a variety of communities should be formed and be active both to share with others what they have learned, and to increase political effectiveness.

8. Non-public schools should be encouraged to participate to the extent that the law will permit.

9. Double standards - educational and social - for pupils from the immediate neighborhood, and those from further away, should be avoided.

10. Friends and advocates of the program must be obtained from all segments of the community, but special effort to gain support of the following should be made:

. leaders of minority groups

. members of the local power structure

. church leaders

. leaders of social service agencies and groups

. media representatives

Other Conditions Useful in Some Situations

In addition to the essential and desirable conditions previously identified, there are some other criteria that have been valuable in specific situations. Thus, while we do not believe these are necessarily crucial in all circumstances, they should be examined in any effort to achieve interdistrict desegregation.

1. Some elements of compulsion for the districts that should be involved, not for students or their families, might be required. This might range from requiring every potential district to submit a desegregation plan for state review, through mandating that potential districts accept a certain portion of pupils from outside the district, to a mandated merger.

Also, it might be necessary to hold out the threat of requirements if the districts do not show good faith in cooperative ventures. Or, it might be advantageous to frame the voluntary plan as a necessary first step to a mandatory one.

2. Periods of tight budgets and enrollment declines have been helpful circumstances in some situations for achieving interdistrict desegregation efforts. This is not to suggest that during growth periods, voluntary

desegregation should be avoided; but rather, tough times should not be used as rationalization for inaction.

3. Interdistrict school desegregation might be tied to the achievement of other metropolitan goals. For example, if an area serving a suburban school district is anxious to get sewer or water services from the central city, achieving this reality might be linked with school desegregation. The point here is that the advantages of cooperation in certain areas - taxation policy, public transportation networking, providing services such as police and fire protection, attracting employers, admissions criteria for a public college, and so on - might be more apparent than those in the area of school desegregation.

Bringing These Conditions About in New York State.

From all that we can gather, it appears that the state role in achieving desegregated schools is more central than ever before. Given the fact that the state education department is the communication point between school districts in the educational system and that it is now the primary focus of responsibility for administering all the Federal programs as well under the new education legislation, the state role in facilitating any kind of large-scale voluntary effort is inescapable.

> "I think it is very important for...(individuals seeking to further integration)...to reason with state legislators and to tell them that it is better to do it through their own initiative than wait until they have been found responsible and somebody else will decide how they participate...(They must understand)...there is very little political cost and substantial benefit for the state government in getting into this business. The state legislatures have not run into terrible political problems about voluntary city/suburban desegregation processes in those states where the funds have been provided. We do not have parents camping out, and we do not have people

> extremely upset... Of all possible ways that we can deal with this desegregation problem, this is the least controversial.
>
> (Orfield)

In order to bring into being in New York State the eight essential conditions described earlier, we propose a set of activities which could ultimately result in the passage of legislation favoring voluntary inter-district integration throughout the state. Such legislation - thoughtfully drafted - would facilitate achievement of other conditions. Further, it is a concrete, reasonable, objective around which pro-integrationists in New York State can rally. The timing seems right.

The activities, four in number, would require about one year to complete. First, 3,000 copies of this report would be prepared and circulated to all interested parties. In so doing, we would be able to communicate both the need for activity in New York State among concerned individuals such as those who attended the Conference, and we would signal our intent of seeking necessary legislation.

Second, we would use the first activity as an opportunity to solicit recommendations of the names of key state legislators, local school officials, and community representatives in each metropolitan area of the state who can help shape and support passage of the legislation.

Third, from this large list of names an informal steering committee would be formed whose objective would be to work with legislators, school officials, and community representatives in shaping legislation which is comprehensive but sensitive to regional needs.

Fourth, at the time the legislation is submitted, all interested

parties would help to mobilize a campaign to communicate to state legislators the breadth of support for such legislation across the state, and across party lines.

These four steps should be seen as providing preliminary guidelines which will govern our initial effort to seek legislation. It is entirely likely that, as we gain information and insights from others, we may need to change tactics. For example, it will be important to understand how and why any previous efforts to seek legislation have failed. Was the legislation itself at fault? Was too little effort put into seeking support outside of one metropolitan area? Was some important interest group ignored? As we pursue steps 1 and 2 we hope to gain understanding about these and related questions. Based upon what we learn, we may want to refine or alter subsequent activities.

END NOTES

1. Data for this section were drawn largely from Dr. Orfield's presentation as well as from the following working paper prepared by him for the Joint Center for Political Studies: "Desegregation of Black and Hispanic Students form 1968 to 1980", Washington, D.C., Joint Center for Political Studies, 1982.
2. Material for this section was drawn largely from "Legal Principles Governing Interdistrict Remedy" (United States Commission on Civil Rights, Statement on Metropolitan School Desegregation, Washington, D.C., 1977, pp. 75-104), as well as from Dr. Orfield's remarks.
3. Ibid., pp. 92-93.
4. For this section, we drew heavily on Dr. Orfield's remarks.
5. These data were drawn from the National Center for Education Statistics, Condition of Education: 1980, Washington, D.C., U.S. Government Printing Office, 1980, p. 280.
6. We drew heavily on Charles Glenn's remarks for this section.
7. See: Lowe, William T. "Strategies for Metropolitan Cooperation in Education", U.S.O.E., 1981.
8. Orfield, Gary. "Desegregation of Black and Hispanic Students from 1968 to 1980", Washington, D.C., Joint Center for Political Studies, 1982.
9. Goodman, Frank. "The Supreme Court and School Desegregation", in Adam Yarmolinsky, et al., Race and Schooling in the City, Cambridge, Harvard University Press, 1981, p. 74.

10. Gussner, W.M. and Susan Uchitelle, Coordinating Committee for an Educational Plan for Voluntary, Cooperative Desegregation of Schools in the St. Louis, Missouri Metropolitan Area, Federal District Court, 1982.

11. We drew substantially on the remarks of Dr. Norman Gross, Dr. Morton Sobel, Dr. David Bennett, Mr. William Paradis, and Mr. Marcus Mitchell in this section. Also the report, "Metropolitan School Desegregation", Education Commission of the States, 1979, was helpful.

APPENDIX A

STEERING COMMITTEE

A PLAN FOR DEVELOPING VOLUNTARY INTERDISTRICT INTEGRATION IN NEW YORK STATE

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APPENDIX B

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APPENDIX C

47a

PROGRAM

Voluntary Interdistrict School Integration Conference

Sheraton Inn Rochester Airport, 1100 Brooks Ave., Rochester, New York, 14624

Sponsored by the URBAN-SUBURBAN INTERDISTRICT TRANSFER PROGRAM in cooperation with the Graduate School of Education and Human Development, University of Rochester, with financial support from the Marie C. and Joseph C. Wilson Foundation.

"To develop a specific plan for improving and expanding voluntary interdistrict integration in New York State."

Sunday, November 7, 1982

5:30-6:45 P.M.	Registration and Cash Bar
7:00 P.M.	Dinner
8:15 P.M.	Professor Guilbert Hentschke, GSEHD, *"Overview of the Conference"*
8:30 P.M.	Chair, Dr. Bernard R. Gifford, Vice President, University of Rochester
	Dr. Ben Williams, Associate Superintendent, Chicago Public Schools, and former Director of the National Project on Desegregation Strategies of E.C.S., *"Desegregation: A Vehicle for Education Renewal"*
	Dr. Laval Wilson, Superintendent of the Rochester City School District, *Reaction and Discussion*

Monday, November 8, 1982

9:00 A.M.	Chair, Jann Packard, Executive Director of the Monroe County School Boards Association
	Dr. Norman Gross, Director of Project Urban-Suburban Interdistrict Transfer Program (Retired), *"What Have We Learned from Project US?"*
	Reactor, Honorable Mary Alice Kendall, Regent of New York State
10:45 A.M.	Refreshments
11:00 A.M.	Dr. Mort Sobel, Specialist in Educational Integration, NYSED, (Retired), *"Voluntary Integration-Success & Failures in New York State"*
	Discussion
12 Noon-1:45	Lunch Session
	Chair, Mrs. Cathy Spoto, Rochester City School Board
	Dr. David M. Bennett, Deputy Superintendent of the Milwaukee Schools, *"Integration Efforts in Milwaukee, Wisconsin"*
	Discussion

2:00 P.M. Chair, Dr. George Simmons, Director of Project Urban-Suburban Interdistrict Transfer Program

Mr. William F. Paradis, Administrator, Project Concern, Hartford, Connecticut,

"The Project Concern Story - What We Have Learned"

"The METCO Story - What We Have Learned"

Dr. Charles Glenn, Director, Bureau of Equal Educational Opportunity, Massachusetts Department of Education,

"What SED Can and Can't Do"

Discussion

Monday Evening

No scheduled program. Discussion and sociability opportunities will be available.

Tuesday, November 9, 1982

9:00 A.M. Chair, Dr. William Johnson, Director, Urban League of Rochester

Professor Gary Orfield, University of Chicago,

"Major Positive and Negative Forces in Achieving School Integration"

10:15 A.M. Refreshments

Reactors

Mrs. Barbara Mack, Division of Intercultural Relations, N.Y.S.E.D.,

"From the Perspective of the N.Y.S.E.D."

Mr. Lionel R. Meno, Superintendent, Syracuse City School District,

"From the Perspective of a City School Superintendent"

Dr. William Early, Superintendent, West Irondequoit Central School District, (Retired),

"From the Perspective of a Suburban School Superintendent"

Discussion

12 Noon Adjourn

APPENDIX D

Chapter 220 Law, Wisconsin

Chapter 220 was signed into law in April, 1976, in the State of Wisconsin. An unprecedented piece of legislation, it declared "that it is the announced policy of the state to facilitate the transfer of students between schools and between school districts to promote cultural and racial integration..... that it is a proper state expense to encourage such transfers through the provision of special aids."

There are two sections of Chapter 220. The first section provides aids for transfer of students among schools within a single school district. Individual schools are classified as minority schools if they have 30 percent or more minority students living in the attendance area surrounding the school. A 220 transfer then is one that has a minority student moving from a minority school to a non-minority school, or a non-minority student moving from a non-minority school to a minority school. Each of these 220 eligible transfers is counted 1.325 for state aid purposes. This was changed from 1.2 plus transportation in the old plan. In order to be eligible for aid, student transfers among schools within a single school district must be either voluntary or the consequence of a court imposed and Board-adopted plan.

The second section of the law has to do with interdistrict transfers. If a pupil transfers from one school district to another and meets the racial balance eligibility previously described, the losing district is entitled to count the student for state aid purposes as if the student were enrolled in that district. The receiving district is entitled to an amount equal to the average cost of educating that student in their district. All transportation costs are picked up for interdistrict transfers.

Transfers between school districts must be the result of a recommendation from a planning council, five members from each school district, making a recommendation to their respective Boards. A subsequent contract between the two participating district Boards details the number, grade levels, and other characteristics of the transfer openings. Participation by individual students in interdistrict transfers is completely voluntary, moreover, the districts are not compelled to create a contract for 220 transfers. The only compulsory aspect of interdistrict transfers is the state requirement that all school districts wholly or partially within Milwaukee County must establish a planning council.

	Intradistrict (Milwaukee)	Interdistrict (Milw. & Suburbs)				
School Year	No. of Eligible Transfers	No. of Participating Sub. Districts (17 Eligible)	Transf. to Sub. from Milw.	Transf. to Milw. from Sub.	Intra & Inter Aid	Intra & Inter Transporta.
1976-77	10,500	8	330	33	$ 3,862,379	$2,850,000
1977-78	15,177	12	608	105	$ 6,617,473	$4.914,000
1978-79	18,300	12	798	102	$ 8,729,672	$4,800,000
1979-80	22,459	12	916	133	$15,000,000	$ 590,000
1980-81	23,000	13	1,015	160	$16,200,000	$ 700,000

*Reflects only interdistrict transfers

APPENDIX E

The Model Integration Incentive Act (From Abrams, Carol, John Coons, and Stephen Sugarman, "School Integration Through Carrots, Not Sticks," Theory Into Practice, 2/78, pp. 23-31.)

Section 1. Classified Groups. Pursuant to regulations adopted by the Superintendent of Public Instruction, elementary and secondary school pupils shall be classified into six groups: Asian or Pacific Islander (not Filipino), Black (not of Hispanic origin), Filipino, Hispanic, American Indian or Alaskan Native, and White (not of Hispanic origin). Students who are members of the first five classified groups shall be considered minority students for purposes of this chapter.

Section 2. Intradistrict Integration Bonuses. The Superintendent of Public Instruction shall apportion to each school district an intradistrict integration bonus in the amount of five hundred dollars ($500) annually for each pupil who is not a member of the largest classified group attending his or her individual school; provided that the following conditions are met:

(1) the school district has a pupil concentration of at least 5 percent of two or more of the six classified groups.

(2) the school district has adopted an integration plan that has been approved by the Integration Division of the Department of Education established under Section 5. Such plan shall contain the following provisions:

(i) the bonus shall be spent in the school in which it is generated;
(ii) the bonus shall be used to assure to each pupil an appropriate integrated educational experience, and in particular to provide for the cultural and linguistic needs of the minority students in the school;
(iii) the professional staff of the school receiving the bonus shall be broadly representative of the groups attending the school or shall have received appropriate training in providing integrated education; and
(iv) each school receiving bonus moneys shall organize a parental advisory body representing the school. This group may make recommendations concerning the use of bonus moneys.

Provided further that (1) while a school district may develop a plan for only some of its schools, its eligibility for bonus funds shall be limited to those schools included in the plan; and (2) no money shall be apportioned with respect to any pupil whose parent or guardian has not given his informed consent to his placement in a particular school if that school is any other than the school of the appropriate grade level closest to the pupil's home.

Section 3. Extradistrict Integration Bonuses.

(a) For purposes of this section and Section 4.

(1) A qualifying school may be either (i) any public school outside the district of the pupil's residence or (ii) any private school which satisfies the general requirements for private schools in this state.

(2) A qualifying integrated school is a qualifying school whose tuition-paid pupils do not belong to the classified group that is the largest in the school.

(3) A tuition-paid pupil is one whose school district, pursuant to this section, pays his full tuition at a qualifying integrated school.

(b) In order to participate in the program established by this section, school districts and qualifying integrated schools may contract for the purpose of providing pupils with an education in an integrated environment, and pursuant to such contracts, sending school districts shall pay the amount of the full tuition of the qualifying integrated school; provided, however, that (1) in the case of a public qualifying integrated school, the contract shall be made on its behalf by its school district; and (2) for all qualifying integrated schools, the tuition amount shall, within reasonable minimum and maximum distances, include arrangements for and provision of free transportation to and from the school.

(c) A tuition-paid pupil shall be counted as part of the average daily attendance of the school district which contracts for his education at the qualifying integrated school and pursuant to that contract pays the full tuition. A tuition-paid pupil shall count as a pupil of the qualifying school for purpose of group counts within that school but not for purposes of funding under Section 2.

(d) The Superintendent of Public Instruction shall make apportionments as follows:

(1) to each qualifying integrated school an extradistrict integration bonus in the amount of five hundred dollars ($500) for each tuition-paid pupil, and

(2) to each school district contracting out pupils under this Section five hundred dollars ($500) times the number by which the pupils contracted out by the district exceeds the tuition-paid pupils received by the district, provided that no funds for any tuition-paid pupil shall be apportioned unless the following conditions are met with respect to such pupil:

(i) the contract shall occur pursuant to a plan which has been adopted by the sending school district and the receiving school district or private school approved by the Integration Division, which plan shall provide that (A) the receiving school will provide appropriate integrated educational experiences and will provide for the special linguistic and cultural needs of its minority pupils, and (B) if the receiving school has more than 15 tuition-paid pupils, shall be organized by the school to make recommendations concerning the use of bonus dollars; and

(ii) the informed consent of the parent or guardian of the contracted pupil has been obtained.

Section 4. Right to Integration. Any pupil who is not a member of the largest classified group in his district, but is a member of the largest classified group in his school may, through his or her parent or guardian, request to be transferred to a public school in his district in which he would not be a member of the largest classified group. If such request is not granted, his district, at the request of the parent or guardian shall be obligated to contract for his education, pursuant to Section 3, as a tuition-paid pupil in a qualifying integrated school to which he has been accepted and in which he will not be a member of the largest classified group: provided that his classified group is proportionally smaller in the receiving school than in the sending school; and provided further that his tuition is in an amount that does not exceed his district's average expenditure per pupil in a comparable grade.

Section 5. State Responsibility.

(a) A division of the Department of Education to be known as the Integration Division shall be established to administer this chapter. There shall be appropriated $_____ for the use of this Division. The Superintendent of Public Instruction and the Integration Division shall provide to the legislature an annual report and evaluation of the results of the program.

(b) The Division shall have the responsibility of approving integration plans submitted pursuant to this chapter. Any plan which furthers integration, fulfills the requirements of this chapter, and provides for the interests of minority students in each participating school shall be approved by the Division. In determining whether the conditions of this chapter are met, the Integration Division will, whenever possible, give deference to school district innovation and discretion.

(c) In addition to any other appropriations under this chapter, there shall be appropriated $_____ to the Division to be awarded to applying school districts (1) as planning grants to be used by the school districts to formulate and organize integration plans subject to Division approval and (2) to fund selected pilot efforts in different forms of integrated educational experiences.

(d) The Superintendent of Public Instruction, with the advice of the Integration Division shall adopt regulations implementing this chapter, including regulations which shall determine how to deal with school population turnover and any ensuing altered entitlement to bonus funds during the course of a year.

(e) The Superintendent of Public Instruction shall assure through appropriate regulation that school districts inform all families of the opportunities for integrated education available under this chapter and particularly under Section 4. This right to information shall be enforceable by parents in a private cause of action in which there may be awarded monetary damages and attorney fees.

TOWARD INCREASED VOLUNTARY INTERDISTRICT INTEGRATION IN NEW YORK

Abstract

While racial isolation has been greatly reduced in schools in other parts of the United States, schools in the Northeast, and New York State in particular, are among the most segregated. Among the causes of this problem is the absence of circumstances in the Northeast which fostered judicial (court ordered) remedies elsewhere in the U.S.

There exists today a large enough body of empirical evidence on the positive effects of integrated education to suggest that schooling in racial isolation constitutes an educational handicap. This is particularly true in New York State where school districts are increasingly racially identifiable, and resource disparities among school districts are increasing.

Of the three models of interdistrict desegregation that have been implemented in the United States, voluntary interdistrict transfer plans appear to be most practical in New York State. Experience from five such programs - Boston, Hartford, Milwaukee, Rochester, and St. Louis - suggests that there are several major and numerous minor conditions which must be met in order for such a model to succeed. Chief among these conditions is state level legislation which fosters incentives for voluntary interdistict programs.